

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE BIOPURE CORPORATION
SECURITIES LITIGATION

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Master Docket No. 1:03-CV-12628 (NG)

Assigned to Judge Nancy Gertner

**ASSENTED-TO MOTION FOR LEAVE TO FILE
2-PAGE SUR-REPLY IN OPPOSITION TO PLAINTIFFS' MOTION TO AMEND**

Pursuant to Local Rule 7.1(b)(3), Defendants respectfully request leave to file the attached 2-page Sur-Reply In Opposition to Plaintiffs' Motion to Amend.

Plaintiffs' counsel assents to the relief sought herein.

As grounds for this motion, Defendants state that the Plaintiffs' Reply brief contains citation to new case law and factual argument. Defendants submit that their 2-page sur-reply (attached) will serve to clarify these issues and assist the Court in disposition of the Plaintiffs' motion.

January 31, 2006

Respectfully submitted,

**BIOPURE CORPORATION, THOMAS A.
MOORE, HOWARD P. RICHMAN, RONALD
RICHARDS, CARL W. RAUSCH, CHARLES
A. SANDERS AND J. RICHARD CROUT**

By their attorneys,

/s/ Michael D. Blanchard

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RULE 7.1(A)(2) CERTIFICATION

I hereby certify that counsel for Defendants conferred with counsel for Plaintiffs in good faith to resolve or narrow the issues presented in this motion. Counsel for Plaintiffs consents to the relief sought by this motion.

/s/ Michael D. Blanchard

Michael D. Blanchard

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above pleading was electronically served upon the attorneys of record for all parties on January 31, 2006.

/s/ Michael D. Blanchard

Michael D. Blanchard